



The Attorney General of Texas

June 14, 1978

JOHN L. HILL
Attorney General

Supreme Court Building
P.O. Box 12548
Austin, TX. 78711
512/475-2501

701 Commerce, Suite 200
Dallas, TX. 75202
214/742-8944

4824 Alberta Ave., Suite 160
El Paso, TX. 79905
915/533-3484

723 Main, Suite 610
Houston, TX. 77002
228-0701

806 Broadway, Suite 312
Lubbock, TX. 79401
806/747-5238

4313 N. Tenth, Suite F
McAllen, TX. 78501
512/682-4547

200 Main Plaza, Suite 400
San Antonio, TX. 78205
512/225-4191

An Equal Opportunity
Affirmative Action Employer

Mr. Thomas V. Murto, III
Luna & Murto
Attorneys for Garland Independent
School District
1002 Dresser Building
Dallas, Texas 75201

Open Records Decision No. 193

Re: Whether a report of
accident insurance claims paid to
identifiable students is public
under the Open Records Act.

Dear Mr. Murto:

You ask whether an accident insurance claims report which details all claims made by identifiable students is public information under the Open Records Act, article 6252-17a, V.T.C.S.

Section 3(a)(14) excepts from public disclosure "student records at educational institutions funded wholly, or in part, by state revenue . . ." and section 14(e) provides that

[n]othing in this Act shall be construed to require the release of information contained in education records of any educational agency or institution except in conformity with the Family Educational Rights and Privacy Act of 1974. . . .

The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, (the Buckley Amendment), denies federal funds to any institution that releases personally identifiable "education records" to anyone but specified individuals. Education records are broadly defined as those records that "(1) [a]re directly related to a student, and (2) are maintained by an educational agency. . . ." 45 C.F.R. § 99.3 (1976). The requested information in this instance is "maintained" by the school even though it may have been prepared by someone else, and thus it falls within the prohibitions of the Buckley Amendment. 41 Fed. Reg. 24663 (1976).

There is an exception permitting the release of "directory information." Directory information includes:

the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other similar information.

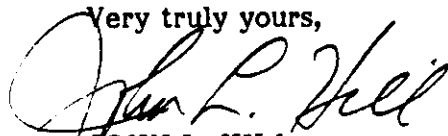
45 C.F.R. § 99.3 (1976). Such information must be released subject to certain procedures in the Amendment. Open Records Decision No. 96 (1975).

Despite the broad reading to be given directory information, Open Records Decision No. 151 (1977); 41 Fed. Reg. 24662 (1976), it is our opinion that this student accident insurance claims report goes into detail about matters not in the nature of directory information and that it cannot fairly be characterized as "similar" to that listed as directory information in the above regulations. See Attorney General Opinions H-749 (1975); H-447 (1974). The Buckley Amendment and section 14(e) of the Texas Open Records Act, therefore, do not require disclosure of the requested information so long as it is personally identifiable. Open Records Decision No. 165 (1977). Because of this determination, it is unnecessary to decide whether the requested information would also be excepted from disclosure as a student record under section 3(a)(14).

S U M M A R Y

A report of accident insurance claims paid to identifiable students is not public information.

Very truly yours,



JOHN L. HILL

Attorney General of Texas

APPROVED:



DAVID M. WENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

jsn